

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Rupit Patel on 08/24/2010, 08/17/2010.
3. The application has been amended as follows:
 - Claims 1, 6, 17, 29 – 33 have been amended as following:
 1. (Currently Amended) A method of communications, comprising:
dividing a plurality of subscriber stations into a plurality of groups;
assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups;
encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and
determining whether to spread at least the portion of communications to the ~~to~~ one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.
 6. (Currently Amended) A communications station, comprising:
a processor configured to divide a plurality of subscriber stations into a plurality of groups, and assign a lesser number of a plurality of orthogonal codes for supplemental

Art Unit: 2476

traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups; and

an encoder configured to encode communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations;

wherein the processor is further configured to determine whether to spread at least the portion of communications to the ~~to~~ one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.

17. (Currently Amended) A communications station, comprising:

“means for assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups;

means for encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and

means for determining whether to spread at least the portion of communications to the one ~~to~~ of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.

29. (Currently Amended) A non-transitory computer-readable medium including computer- executable instructions encoded thereon for performing the steps of:

dividing a plurality of subscriber stations into a plurality of groups; assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the number of subscriber stations in the one of the groups;

encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and

Art Unit: 2476

determining whether to spread at least the portion of communications to the ~~to~~ one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.

30. (Currently Amended) The non-transitory computer-readable medium of claim 29 further comprising computer-executable instructions encoded thereon for performing the step of allocating to the one of the subscriber stations one or more of the orthogonal codes assigned to said the one of the groups, the one of the orthogonal codes being selected from the one or more of the orthogonal codes allocated to the one of the subscriber stations.

31. (Currently Amended) The non-transitory computer-readable medium .of claim 29 further comprising computer-executable instructions encoded thereon for performing the step of:

allocating to each of the subscriber stations in the one of the groups one or more of the orthogonal codes assigned to the one of the groups, and using each of the orthogonal codes in the one of the groups to spread at least a portion of communications to different subscriber stations in the one of the groups, the orthogonal code being used to spread the at least a portion of the communications to each of the different subscriber stations being selected from the respective one or more of the codes allocated thereto.

32. (Currently Amended) The non-transitory computer-readable medium of claim 29 further comprising computer-executable instructions encoded thereon for performing the step of spreading a second portion of the communications to the one of the subscriber stations with a second orthogonal code different from each of the Orthogonal codes assigned to the groups.

33. (Currently Amended) The non-transitory computer-readable medium of claim 32 wherein the data rate of the communications comprises a full rate and less than a full rate, and wherein said the at least a portion of the communications to the one of the

Art Unit: 2476

subscriber stations is spread with the one of the orthogonal codes when the data rate of the communications is the full rate, and wherein the at least a portion of the communications to the one of the subscriber stations is not spread with the one of the orthogonal codes when the data rate of the communications is less than the full rate.

4. The following is an examiner's statement of reasons for allowance:

The prior art made of record, in single or in combination, fails to disclose explicitly the limitations of:

"assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups; encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and determining whether to spread at least the portion of communications to the one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion." as disclosed in claim 1.

"a processor configured to divide a plurality of subscriber stations into a plurality of groups, and assign a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups; and an encoder configured to encode communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; wherein the processor is further configured to determine whether to spread at least the portion of communications to the one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion." as disclosed in claim 6.

Art Unit: 2476

“means for assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the subscriber stations in the one of the groups; means for encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and means for determining whether to spread at least the portion of communications to the one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.” as disclosed in claim 17.

“assigning a lesser number of a plurality of orthogonal codes for supplemental traffic channels to one of the groups than a number of traffic channels to be assigned to the number of subscriber stations in the one of the groups; encoding communications to one of the subscriber stations in the one of the groups at a data rate at least a portion greater than a first data rate supported by a dedicated traffic channel of the one of the subscriber stations; and determining whether to spread at least the portion of communications to the ~~to~~ one of the subscriber stations with one of the orthogonal codes supporting a second data rate adequate to handle the portion.” as disclosed in claim 29.

“receiving a dedicated orthogonal code for a dedicated traffic channel wherein a length of the dedicated orthogonal code supports a first data rate less than a full data rate of a subscriber station; and receiving an assignment of a plurality of orthogonal codes for supplemental traffic channels Wherein a length of at least one of the plurality of orthogonal codes supports a second data rate adequate to handle an overflow up to the full data rate of the subscriber station.” as disclosed in claim 34.

5. Additionally, all of the further limitations in claims 2 – 5, 7 – 16, 30 – 33, 35 – 36 are allowable, since the claims are dependent upon independent claims, respectively.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476
<4Q10:8_27_10>

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art
Unit 2476